



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

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ATTORNEY GENERAL

October 17, 1975

The Honorable Bevington Reed
Commissioner
Coordinating Board
Texas College and University System
P. O. Box 12788, Capitol Station
Austin, Texas 78711

Opinion No. H- 722

Re: Tuition rate for non-resident
junior college students.

Dear Dr. Reed:

You ask our opinion on whether a recent amendment concerning foreign student tuition has any effect on non-resident student tuition at public junior colleges.

Prior to the amendment, public junior colleges which desired state appropriations were required to charge minimum non-resident tuition rates in accordance with a schedule "frozen" as of January 1, 1971. Education Code §§ 54.051(j); 130.003(b)(4). Acts 1961, 57th Leg., ch. 436, p. 999.

The title to the amendment about which you inquire, Acts 1975, 64th Leg., ch. 515, p. 1358, states in pertinent part:

An Act relating to the tuition fees institutions of higher learning collect from students who are citizens of any country other than the United States of America; amending Subsections (h), (i), and (p), Section 54.051 Texas Education Code, as amended. . . .

The Act amends subsection (h) of Section 54.051 in pertinent part as follows:

(h) Tuition for students who are citizens of any country other than the United States of America is the same as tuition required of other non-resident students. However, the governing board of an institution of higher education may set a lower fee for a foreign student, based on financial need. . . . The lower fee in any case shall not be less than \$14 per semester credit hour, and the total of such charges shall not be less than \$ 200 per semester or 12 week summer

session, and not less than \$100 per 6 week summer term.

Your question is whether the amendment's requirement that foreign student tuition be the same as non-resident student tuition, coupled with a minimum for lowered foreign student tuition, changes the prior minimum which public junior colleges could charge non-resident students.

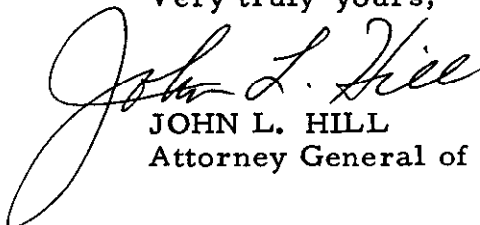
Neither the title nor the terms of the amendment makes reference to section 130.003, nor is there any mention of a change in non-resident tuition rates. Implied repeals are not favored under Texas Law. 53 Tex. Jur. 2d Statutes § 102. We do not believe the Legislature intended by this amendment to alter the minimum tuition rates which a junior college may charge non-resident students under section 130.003 of the Education Code.

In our opinion, the amendment to section 54.051 of the Education Code, contained in Acts 1975, 64th Leg., ch. 515, p. 1358 does not affect the minimum non-resident tuition rate for junior college students permitted under section 130.003(b)(4).

SUMMARY

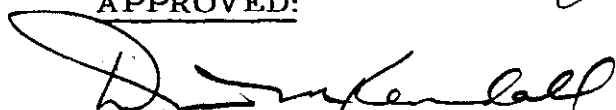
An amendment establishing foreign student tuition rates does not affect the minimum tuition rates a junior college may charge non-resident students.

Very truly yours,



JOHN L. HILL
Attorney General of Texas

APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

jad: